

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Dexter Sistrunk, individually and on behalf	§	
of a class of similarly situated individuals,	§	CASE NO. 5:14-cv-00628-RP-HJB
	§	
Plaintiffs,	§	
	§	
Vs.	§	
	§	
TitleMax, Inc., TitleMax Holdings, LLC,	§	
TMX Finance LLC, TMX Finance Holdings,	§	
Inc., TitleMax of Texas, Inc.	§	
	§	
<i>Defendants.</i>	§	
	§	

PLAINTIFF’S MOTION TO RESET DEADLINES

On September 25, the parties filed a Status Report advising the Court that they had agreed to a Memorandum of Understanding for a class action settlement and proposed a schedule for seeking preliminary approval of a settlement agreement, which they were in the process of drafting. (Dkt. 311.) The Court entered an order based on the parties’ proposal, including an October 3 deadline to finalize the settlement and an October 4 deadline to move for preliminary approval. (Dkt. 312.) Unfortunately, the parties reached an impasse when attempting to finalize the settlement agreement.

Accordingly, Plaintiff requests that the Court vacate its Order (Dkt. 312), and rule on Defendants’ pending Motion to Amend Judgment, which is fully briefed. This motion must be ruled upon in order to set Defendants’ deadline to file their notice of appeal. Defendants’ Motion to Amend (Dkt. 309) was filed on 9/13/17, Plaintiff’s response (Dkt. 310) was filed on 9/18/17, and Defendants’ reply deadline passed on 9/25/17.

Additionally, the Court continued Plaintiff's deadline to file a motion for attorneys' fees, expenses and class representative award, in light of the parties' agreement to go to mediation. (Dkt. 307.) Because the parties have reached an impasse in their settlement discussions, Plaintiff requests that the Court set the following briefing schedule for Plaintiff's motion.

EVENT	DEADLINE
Plaintiff's Motion for Attorneys' Fees, Expenses and Class Representative Award	14 days after entry of Court's Order
Defendants' Response Deadline	14 days after filing of Plaintiff's Motion
Class Members' Deadline to Object	21 days after mailing of Notice
Plaintiff's Deadline to Reply to Defendants and any objecting Class Members	14 days after Class Members' Deadline to Object

Note that Rule 23(h)(1 and 2) require that notice of the motion for fees and costs be directed to class members in a reasonable manner, and that class members have the right to object. Plaintiff proposes that Rule 23(h)(1) be satisfied by the Class Administrator's mailing of a notice setting forth the substance of Plaintiff's motion, and providing class members the opportunity to obtain the full motion by visiting a website or by requesting copies from the Class Administrator or Class Counsel. The schedule proposed above provides sufficient time for class members to be notified and state any objections.

WHEREFORE, Plaintiff requests that the Court enter the attached Order, establishing these deadlines, and for such other relief as is appropriate.

Dated: October 3, 2017.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Defendants' counsel before filing this motion and that we were unable to reach an agreement.

/s/ Cory S. Fein
Cory S. Fein

CERTIFICATE OF SERVICE

I hereby certify that I served this pleading via the Court's ECF system on October 3, 2017, and thereby served it on all counsel of record.

/s/ Cory S. Fein
Cory S. Fein